IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2604 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.Kafil Khan for the Petitioners
Mr.S.Nagvadaria for Respondent No.1
Mr.U.V.Nikam, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 18, 2006.

P.C.:

1. Heard Advocate for the Petitioner. My attention has been invited to the order dated 1st September 2005 passed by this Court in earlier Criminal Writ Petition No.1047 of 2004 filed by the present Petitioners. Though the earlier Writ Petition praying for quashing of the proceedings was rejected, it was observed in the order that the rejection of the Petition will not preclude the Petitioner from taking out appropriate proceedings for challenging the order issuing process.

2. This Writ Petition is filed by the Petitioner for challenging the order issuing process by the learned Magistrate.

In view of the decision of this court in case of V.K.Jain Vs.Pratap reported in (2005) 3 Mh.L.J. page 778, efficacious remedy was available to the Petitioner for challenging the order of issuing process. However, the said remedy is not availed of by the Petitioner.

3. In view of this position, this Writ Petition is not entertained and the same is rejected.

JUDGE